IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

THURSDAY, THE 4TH OCTOBER 2007 / 12TH ASWINA 1929

WA.No. 2310 of 2007

(AGAINST THE JUDGMENT IN W.P.(C) No. 24384 OF 2006 DATED 6TH JULY, 2007)

APPELLANT/PETITIONER.

K.BALAKRISHNA PILLAI,
JUNIOR SUPERINTENDENT (RTD.),
M.S.M.COLLEGE,
KAYAMKULAM.

BY ADV. SRI.R.RAJASEKHARAN PILLAI

RESPONDENTS/ RESPONDENTS.
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1. THE STATE OF KERALA,
   REPRESENTED BY THE CHIEF SECRETARY,
   GOVERNMENT SECRETARIAT,
   THIRUVANANTHAPURAM.

2. THE DIRECTOR OF COLLEGIATE EDUCATION,
   THIRUVANANTHAPURAM.

3. THE DEPUTY DIRECTOR OF COLLEGIATE EDUCATION,
   KOLLAM.

4. THE ACCOUNTANT GENERAL OF KERALA,
   THIRUVANANTHAPURAM.

BY SPL. GOVERNMENT PLEADER SHRI C.T. RAVIKUMAR.

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 04/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

H.L. DATTU, C.J. & K.T. SANKARAN, J.

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W.A. No. 2310 OF 2007

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Dated this the 4th October , 2007

J U D G M E N T

H.L. Dattu, C.J.:

After the disposal of the Writ Petition, the third respondent in the Writ Petition/Writ Appeal has passed an order dated 6th September, 2007. In that, they have settled the retirement benefits payable to the petitioner. The petitioner/appellant is of the view that the respondents are expected to pay interest on the amount of retirement benefits, since it was paid belatedly.

2. In our opinion, such a request ought to have been made by the petitioner/appellant before the respondents by filing appropriate application/representation/petition claiming interest on the retirement benefits paid belatedly. If, for any reason, the request, that may be made by the petitioner, is either rejected or not considered by the respondents, then only the cause of action would arise for the petitioner to approach this Court.

3. In that view of the matter, we do not see any reason for interference with the orders passed by the learned single Judge. Therefore, the Writ Appeal requires to be rejected and it is rejected. However, liberty is reserved to the petitioner/appellant to make such an application/representation/petition before the respondents for payment of interest on the retirement benefits paid belatedly.

4. Needless to say, if and when such an application/representation/petition, claiming interest on the retirement benefits paid belatedly, is filed, the respondents will consider the same in accordance with law.

Ordered accordingly.

H.L. DATTU,
CHIEF JUSTICE.

K.T. SANKARAN,
JUDGE.

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